

**John Foreman, Chairman**  
**Arizona Power Plant and Transmission**  
**Line Siting Committee**  
**Assistant Attorney General**  
**john.foreman@azag.gov**

1 Pursuant to A.A.C. R14-3-204,  
2 The Original and 25 copies were  
3 filed July 7, 2009 with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 W. Washington St.  
7 Phoenix, AZ 85007

8 Copy of the above was mailed  
9 this 7<sup>th</sup> day of July, 2009 to:

10 Charles Hains  
11 Janice Alward, Chief Counsel  
12 Arizona Corporation Commission  
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14 Phoenix, AZ 85007  
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**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "Jason Gellman(TEP)" <jgellman@rdp-law.com>, "marshall@magruder.org " <m...  
**Date:** 7/4/2009 3:04 PM  
**Subject:** Updated Witness Summary-EW-Vail to Valencia  
**Attachments:** WithnessSummaryUpdatedEW4July2009.doc  
  
**CC:** "M (TEP) Patten" <mpatten@rdp-law.com>, <mderstine@rdp-law.com>, "Tara W...

Hello All,

Please see attached Updated Witness Summary. Will mail on Monday -could not today due to holiday.

Thank you,

Elizabeth Webb  
Concerned Citizen  
Vail Arizona  
(520) 247-3838

Quote for the Day:

At times our own light goes out and is rekindled by a spark from another person.  
Each of us has cause to think with deep gratitude of those who have lighted the flame within us.  
-Albert Schweitzer

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF UNS  
ELECTRIC, INC., IN CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED STATUTES  
§§ 40-360 et seq., FOR A CERTIFICATE OF  
ENVIRONMENTAL FOR A ENVIRONMENTAL  
COMPATIBILITY FOR THE VAIL TO VALENCIA 115 KV  
TO 138 KV TRANSMISSION LINE UPGRADE PROJECT,  
ORIGINATING AT THE EXISTING VAIL SUBSTATION IN  
SEC. 4, T.16S., R.15E., PIMA COUNTY, TO THE EXISTING  
VALENCIA SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE  
CITY OF NOGALES, SANTA CRUZ COUNTY, ARIZONA

Arizona Corporation Commission

Docket No. L-00000F-09-0190-00144

Case #144

**Elizabeth Buchroeder-Webb**

**Witness Summary**

**(Exhibit EW-3 Updated)**

Updated Witness Summary: Elizabeth Buchroeder-Webb

Due to compelling evidence that has come subsequently come to light I am submitting a revision of my witness summary.

I will testify about my concerns about this project and my general conditions for the Certificate of Environmental Compatibility which will be submitted at a later date and my preferred segment alignments as per the Chairman's request. My pleading and updated CEC's as per the Chairman's request will be submitted in advance of the next hearing in separate documents. Although I will mail them, due to time my physical location related to the Phoenix Docket Control and due constraints associated with working on the CEC they may not be available at Docket Control in time for viewing prior to the hearing. I will send electronic copies to Ms. Williams, the other parties to the matter and have hard copies available prior to the start of the hearing.

Specifically I will discuss:

1. Concerns about repetitive impacts and other proposed developments in the vicinity in the Vail/Corona/Cienega Corridor associated with this project and other agency approval related the project.
2. Lack of "active, aggressive and upfront outreach" to the communities of Vail, Corona de Tucson and Rita Ranch in this project.
3. Appropriate monopole color choices.
4. As I am not sure of the legality of using exhibits in a pleading if one has not testified to the information, I will testify very briefly about issues related to the segments in Santa Cruz County with a few exhibits that have been disclosed to the other parties as well briefly describing my preferences for all routes in the project.
5. Mitigation

**Introduction:**

My name is Elizabeth Buchroeder-Webb and I am a registered voter and taxpayer in the State of Arizona. I have watched with genuine interest as the Committee has taken note of the concerns of a small group of residents and asked the Applicant to investigate other alternatives and meet with the appropriate governing agencies in the area of the preferred and alternative alignments in a delicate area. I look forward to the same level of analysis in the northern end of the project as it has the ability to affect several thousand residents. I eagerly await my direct examination.

My family lives in the Empire Mountains SE of Vail AZ. As this area is within unincorporated Pima County I tend to use the boundaries of the Vail School District with its approximate population of 45K people to define my community-although my community is not limited to that. My daughter catches a Vail Unified School bus four miles from our home, rides it to and then attends a school approximately three miles from the proposed project. Both the school and the project are in the City of Tucson.

My in-laws have a home in Civano, a community based on ambitious sustainability goals located northeast of the proposed project in the Vail School District. The community of Civano is bordered on the north by steel lattice structures carrying transmission lines.

My experiences with energy/infrastructure issues include acting as a civilian intervener in the TEP Line Site Case 137, City of Tucson Case SE-08-05 TEP Cienega Substation Dawn Drive RH Zone (Ward 4), advocating on behalf of the Vail/Cienega Corridor for Pima County Bond funds for needs such as reclaimed water infrastructure, parks, libraries, a Pima County Sheriff's substation, low income health facilities on a sliding fee scale, historic and cultural restoration, and a civic center. I am also a Vail civilian representative on the relatively new TEP Rosemont Project stakeholders group.

Another interest in this project is as a TEP customer. We are TEP customers at our home. Additionally, my husband and I are members of two well co-ops that are TEP customers in central Vail. This means we pay towards three TEP accounts, four if you include a rental we have in Tucson when it is unoccupied as it has been for several months due to the economy.

I have worked with Reta LaFord, Deputy Forest Supervisor, Coronado National Forest, with Public Outreach in the Vail/Cienega Corridor, particularly in neighborhoods with Environmental Justice issues during the initial scoping period for the proposed Rosemont Copper Mine. She and I continue to work together on NEPA and State issues related to the project. I am a 2005-2006 graduate of Partners in Policymaking, a program designed for individuals who have a disability and for parents raising children with a disability. PinP is an innovative leadership training program that teaches people to be community leaders, and to affect systems and policy change at the local state and national levels. I worked with the Vail School District in 2005 to implement change in an anti-bullying policy to more closely follow a new statute. I worked with ADOT to have School Bus Signs installed along Sonoita Highway around a dangerous curve near a school bus stop after a VUSD school bus was re-ended by someone in a car. I have also approached Pima County and asked them to consider including a recommendation in their review comments on utilities infrastructure development that would expand the utilities' obligation to notice members of the public in those rural, unincorporated areas of Pima County. To show that I am not a "one trick pony led by one topic, a "resume" of my community service is available in your binders.

Although my concerns for this project lie at the Northern End of the project as stated in my motion to intervene, it does not mean I do not have interest in Southern Arizona as a whole. Mr. Magruder appears to have it under control. I was very humbled; however, when Chairman Foreman asked for my opinion of the proposed Segments in Santa Cruz County and I take it very seriously. I believe it was Member Noland who said she has memories from that area. I have too. It is the place many, including myself from Pima County go to enjoy the beautiful diversity of Southern Arizona. Numerous youthful memories revolve around activities in Santa Cruz County-fishing in Pena Blanca Lake, Arivaca Lake, Lake Patagonia, exploring several ghost towns along the border, visiting Nogales Sonora and much more, including being a bridesmaid at an historic ranch along the Santa Cruz River in Rio Rico. My home is currently located approximately 10-12 miles from Santa Cruz County, albeit on the east side of the Santa

Rita Mountains. It is important to remember we civilian interveners are members of the public, usually customers of the utility and have multiple interests in our areas although we may not always express them.

Cost to Intervene: I spent approximately \$6000.00 on the last case (that number does not include my actual time), and just missed having my now defunct business sent to collections by the printing company. This case will cost approximately \$1000.00 but I have a community volunteer who is printing quite a few of my items from her home office who will probably donate close to \$500.00 of her own, separate from my costs when it is all done. I have hopes this is all that we will spend in this case.

My home, a modest mobile home (or a trailer as I testified to in Case 137), on approximately 30 acres in the mountains is supported by the 46kVA Greaterville substation, also the backup line to Ft. Huachuca which originates at the EHV South Substation. The two well co-ops we are members of are fed by the EHV Vail Substation. When electricity goes out on the lines it means there is not water to the wells at any of the locations. This is a part of rural living, especially on older lines but it does not make it any easier, especially with livestock. We have had fewer issues with outages on our home line because the National Weather Service Doppler Radar (NEXTRAD) is at the end of a heavier duty 3 phase line that runs above ground along our property boundary. Maintenance of existing utility infrastructure is an issue that I have expressed concern about in the past.

I am not opposed to transmission or distribution lines if they are needed and if there is *appropriate, forthright public outreach* with *reasonable alternatives, restoration and mitigation*. As I just mentioned, I have a three phase line along the edge of my property and a huge golf ball looking object just to the northwest. That said; my basic concerns are listed below, although I am not limiting myself if other issues or opportunities arise during testimony.

First, I will discuss my concerns of repetitive impacts to the area associated with this project and other agency approval. I will discuss how the Committee can consider cumulative effect under the Arizona State Siting Statutes. With the assistance of exhibit EW-18 and Exhibit UNS-14, I will also discuss how the Applicant's predecessor did not comply with its previous CEC and how the Applicant did not hold a legal right of way on BLM land for the existing line granted in Decision 56097 when it applied for this CEC. I will also discuss other proposed developments in the area by private entities using exhibits from data requests provided by the Applicant, items from my own research and from the Applicant's exhibits.

Second, with the assistance of several docketed items or disclosed items to include photographs, maps, charts, previous witness testimony, public comments, data request responses and my own research I will show there was a severe lack of "aggressive, upfront outreach to the community in this line siting case". (Case 137 8/18/2008 P.262. This is related to Commissioner Mayes' directive at the Special Open Hearing on August 18<sup>th</sup>, 2008.

Third, I will discuss how appropriate monopole color choices can mitigate the impact of towering structures against an open view shed in the Sonoran Desert. Our blue sky with voluminous close and soaring Santa Rita, Rincon, and Santa Catalina Mountains in the background is prized by residents and visitors alike. In the stretch east from Rita Road (the exit to the Vail Substation) to State Route 83 each exit has a Pima County sign proclaiming a recreational, cultural, historic or ecological treasure of the area. Each exit is already blighted by existing high voltage transmission lines, steel lattice structures or monopoles. It is imperative that decisions made now are given forethought. Related to monopoles but not specifically color I will speak of the lack of analysis

given in the Applicant's testimony and application to under building of differing voltages on existing transmission structures and the future plans of existing structures. This speaks to A.R.S. 40-360.06-6. The Total Environment of the area.

Fourth, I will offer justification for the creation of a Citizens Advisory Committee related to this project, as a condition of this CEC.

Lastly, I will briefly show and discuss with you more than one exhibit related to my preferences related to the segments, routes and conditions for the entire project. My area of focus in Santa Cruz County will center on the area more commonly known now as the "Mesquite Bosque" in Segment 2 as a result of my meeting with John Hays, Floodplain Coordinator with Santa Cruz County Flood Control District and after receiving 500' corridor information from the Applicant. There has been a different view amongst the parties on the meaning of the Chairman's direction to me at the end of the last hearing day but I believe I was asked to give my opinion on all of the differing segments. I will do so with my explanation for each with a short pleading after entering my exhibits during my direct examination.

Copies of this information have been provided via email to the Applicant's attorneys and Intervener Magruder.

Dated this 4th day of July 2009

Elizabeth Buchroeder-Webb  
17451 E. Hilton Ranch Rd.  
Vail, Arizona 85641  
(520)247-3838 vailaz@hotmail.com

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed with

Docket Control (26 copies)  
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1200 West Washington Street  
Phoenix, Arizona 85007-2927

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**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "Jason Gellman(TEP)" <jgellman@rdp-law.com>, "marshall@magruder.org " <m...  
**Date:** 7/6/2009 5:15 PM  
**Subject:** Notice of Mailing of Very Short Pleadings for Each Segment-EW-Vail to Valencia  
  
**CC:** "M (TEP) Patten" <mpatten@rdp-law.com>, <mderstine@rdp-law.com>, "Tara W...

Hello All,

This is notice that the Very Short Pleadings for each route, as per the Chairman's instructions (to my understanding) were mailed today via Priority Mail to Docket Control.

Unfortunately, I am currently at a public library in Tucson without access to a scanner, so I will have to email a copy to all of the parties tonight when I arrive home. I will also hand deliver a copy to each of the parties prior to the start of the hearing. I will have a copy in a newly updated binder for the Committee members as well.

I did not see instructions in the transcript to have the updated Witness Summary mailed prior to the start of the hearing and was so focused on getting the pleading out that I did not mail the updated Witness Summary. That will be mailed tomorrow, but I did send it digitally to the parties this past weekend.

I apologize for the delays.

Elizabeth Webb  
Concerned Citizen  
Vail Arizona  
(520) 247-3838

Quote for the Day:

At times our own light goes out and is rekindled by a spark from another person.  
Each of us has cause to think with deep gratitude of those who have lighted the flame within us.  
-Albert Schweitzer

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**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "Jason Gellman(TEP)" <jgellman@rdp-law.com>, "marshall@magruder.org" <m...  
**Date:** 7/7/2009 12:08 AM  
**Subject:** Attached in Email Very Short Pleadings for Each Segment-EW-Vail to Valencia  
**Attachments:** FinalPleadingEWebbAllSegments.doc

**CC:** "M (TEP) Patten" <mpatten@rdp-law.com>, <mderstine@rdp-law.com>, "Tara W...

Hello All,

This was mailed via USPS Monday, July 6th 2009 but I do not believe it will be available for viewing at Docket Control in time for the hearing. I will have this in newly updated binders for the Committee members and will hand deliver to the other parties prior to the start of the hearing.

Thank you,

Elizabeth Buchroeder-Webb's very short pleadings with alternatives (if applicable for each segment of the route in case #144)

Segment 1A. I support the preferred alignment with the following modifications:

1. Reduced right of way where the alignment from the Vail Substation would run east to Wilmot Rd., paralleling the existing Robert Bill's-Wilmot 138kVa line. It has been indicated by Mr. Beck this is feasible in his data request to Marshall Magruder if studies are performed. This is a cost saving measure.
2. DULL (not shiny), grey galvanized steel poles in the same alignment mentioned in above modification with paralleling steel lattice structures.
3. Mr. Magruder's color scale pole plan or modified plan as compromised upon with the Company as long as we have say with accountability written into the CEC. (this part goes for the rest of the segments too)
4. Update of environmental accountability from Decision #56097 which did not have specific environmental policy, particularity in regard to floodplain, riparian and OHV issues.
5. Would prefer to see current legal situation regarding the BLM Right of Way resolved prior to issuance of the CEC.

Segment 1B I support the preferred alignment with the following modifications

Agree with current alignment, but have the same concerns regarding an upgrade of environmental compatibility.

Segment 2. I support the following alignment with the following the modifications:

1. The line and route would drop out of the Kantor substation continuing to use the existing wood H frames southerly in the the existing 115 kV right of way in the foothills of the Santa Rita Mountains east of the Santa Cruz River and South of Josephine Canyon, as the Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles).

2. Steel Monopoles would replace Wood H Frames beginning where the alignment drops into the Santa Cruz Valley. I have seen no evidence that shows the wood H frames need to be replaced. This is a cost saving measure, these poles are located upland out of low lying areas, and typically there is less population. From this point forward the Company can keep encroachments of their right of way easements.

3. As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive.

As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive. At Pendleton Drive the alignment will parallel the roadway until it reaches the Canez Substation right of way where it will head west into the substation.

4. The Alignment then leaves the Canez Substation and heads east to the roadway and shifts in a southerly manner to parallel Pendleton Drive

5. Near the intersection of Pendleton Drive and Avenida Coatimundi, the Alignment shifts from Pendleton Drive and parallels Avenida Coatimundi east to the Sonoita Substation

To simplify, based on my discussion with Mr. Hays, the Santa Cruz County Flood Plain Co-Coordinator, I am suggesting the Pendleton Road Alignment for the area known as the Mesquite Bosque. This is not to suggest this is what Mr. Hays has written in his official statement, it is my alternative formulated from data he has provided me. As this is to be a very short pleading, I will expand on this in my testimony on July 8th, 2009. I realize that this is outside of the 500' corridor and will provide my legal reasoning below.

6. From the Sonoita Substation I support the rest of the proposed alignments with the following caveats.

A. All ROW's need to be evaluated to see if reduction is possible to save costs.

B. Underbuild, Underbuild, Underbuild! Smaller, poorer communities deserve a higher level of advocacy than larger ones. It appears from what I have seen that the old poles will be left with distribution on them in place. Any place under-building can be done to clean up the visual blight in these communities, it should be done.

How the area in the Mesquite Bosque Can Occur Legally:

From the Arizona Revised Statutes:

Hearings; procedures 40-360.04

A. The chairman of the committee shall, within ten days after receiving an application, provide public notice as to the time and place of a hearing on the application and provide notice by certified mail to the affected areas of jurisdiction at least twenty days prior to a scheduled hearing. If the committee subsequently proposes to condition the certificate on the use of a site other than the site or alternative sites generally described in the notice and considered at the hearing, a further hearing shall be held thereon after public notice. The hearing or hearings shall be held not less than thirty days nor more than sixty days after the date notice is first given and shall be held in the general area within which the proposed plant or transmission line is to be located or at the state capitol at Phoenix as determined by the chairman, at his discretion.

D. The committee shall review and consider the transcript of the public hearing or hearings and shall by a decision of a majority of the members issue or deny a certificate of environmental compatibility within one hundred eighty days after the application has been filed with or referred to the committee.

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This is where I might be wrong, but it is all I could find after much research (se A.R.S. below), BUT even given the amount of time if it was based on Calendar days, there is still enough time to re-notice and follow all of the rules and still issue or deny the certificate. It is in the interest of the Public and the Environment to get this thing right.

<http://www.azleg.state.az.us/FormatDocument.asp?InDoc=/ars/1/00243.htm&Title=1&DocType=ARS1-243>

1-243

Computation of time

A. Except as provided in subsection B, the time in which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a holiday, and then it is also excluded.

B. In cases in which notice of a decision by the state, any agency thereof or any political subdivision must be given to a petitioner and in which the petitioner must file a notice of appeal of such decision within a time certain of less than ten days, such time shall be computed starting with the day after the day during which the notice of decision is received by the petitioner by personal service or registered or certified mail.

40-360.21. Definitions

23. "Working day" means every day excluding Saturday of each week, the fourth Friday in November, Sunday of each week and other legal holidays as prescribed in section 1-301.

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Thank you for your consideration and I look forward to my direct examination. These options may be based on percentages if there is other information that comes forward at the hearing.

(There are two corrections on this email version from what was mailed to Docket Control. The directions heading in and out of the Canez substation page 2 line 28 & page 3 line 1 . This will be noted at the hearing.)

Elizabeth Webb  
Concerned Citizen  
Vail Arizona  
(520) 247-3838

Quote for the Day:

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From: vailaz@hotmail.com  
To: jgellman@rdp-law.com; marshall@magruder.org; mippolito@rdp-law.com  
CC: mpatten@rdp-law.com; mderstine@rdp-law.com; tara.williams@azag.gov; chains@azcc.gov;  
jalward@azcc.gov  
Subject: Notice of Mailing of Very Short Pleadings for Each Segment-EW-Vail to Valencia  
Date: Mon, 6 Jul 2009 18:15:16 -0600

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**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE  
SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY FOR THE  
VAIL TO VALENCIA 115 KV TO 138 KV  
TRANSMISSION LINE UPGRADE PROJECT,  
ORIGINATING AT THE EXISTING VAIL  
SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA  
COUNTY, TO THE EXISTING VALENCIA  
SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE  
CITY OF NOGALES, SANTA CRUZ COUNTY,  
ARIZONA.

**Docket No. L-00000F-09-0190-00144**

**Case No. 144**

**6 July 2009**

**Elizabeth Buchroeder-Webb**

**Notice of Filing**

**Final Pleading**

The content of this filing is as follows:

1. Very short pleading for each segment in Case # 144 as per the Chairman's Instructions dated 6/4/2009 Volume 3, Page 599 Lines 5-23.

Mailed electronically to all parties, to Docket Control on 6 July 2009 and will be hand delivered prior to the start of the hearing.

. Dated this 6th day of July 2009

Elizabeth Buchroeder-Webb

17451 E. Hilton Ranch Rd.

Vail, Arizona 85641

(520)247-3838 vailaz@hotmail.com

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Elizabeth Buchroeder-Webb's very short pleadings with alternatives (if applicable for each segment of the route in case #144)

**Segment 1A. I support the preferred alignment with the following modifications:**

1. Reduced right of way where the alignment from the Vail Substation would run east to Wilmot Rd., paralleling the existing Robert Bill's-Wilmot 138kVa line. It has been indicated by Mr. Beck this is feasible in his data request to Marshall Magruder if studies are performed. This is a cost saving measure.
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3. Mr. Magruder's color scale pole plan or modified plan as compromised upon with the Company as long as we have say with accountability written into the CEC. (this part goes for the rest of the segments too)
4. Update of environmental accountability from Decision #56097 which did not have specific environmental policy, particularity in regard to floodplain, riparian and OHV issues.
5. Would prefer to see current legal situation regarding the BLM Right of Way resolved prior to issuance of the CEC.

**Segment 1B I support the preferred alignment with the following modifications**

Agree with current alignment, but have the same concerns regarding an upgrade of environmental compatibility.

**Segment 2. I support the following alignment with the following the modifications:**

1. The line and route would drop out of the Kantor substation **continuing to use the existing wood H frames** southerly in the the existing 115 kV right of way in the foothills of the Santa Rita Mountains east of the Santa Cruz River and South of Josephine Canyon, as the Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles).
2. **Steel Monopoles would replace Wood H Frames beginning where the alignment drops into the Santa Cruz Valley.** I have seen no evidence that shows the wood H frames need to be replaced. This is a cost saving measure, these poles are located upland out of low lying areas, and typically there is less population. From this point forward the Company can keep encroachments of their right of way easements.
3. As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive.  
As the alignment drops into the Santa Cruz Valley, it uses the existing alignment until it reaches Pendleton Drive. At Pendleton Drive the alignment will parallel the roadway until it reaches the Canez Substation right of way where it will head west into the substation.

1 4. The Alignment then leaves the Canez Substation and heads east to the roadway and shifts in a  
2 southerly manner to parallel Pendleton Drive

3 5. Near the intersection of Pendleton Drive and Avenida Coatimundi, the Alignment shifts from  
4 Pendleton Drive and parallels Avenida Coatimundi east to the Sonoita Substation

5 To simplify, based on my discussion with Mr. Hays, the Santa Cruz County Flood Plain Co-  
6 Coordinator, I am suggesting the Pendleton Road Alignment for the area known as the Mesquite  
7 Bosque. This is not to suggest this is what Mr. Hays has written in his official statement, it is my  
8 alternative formulated from data he has provided me. As this is to be a very short pleading, I will  
expand on this in my testimony on July 8<sup>th</sup>, 2009. I realize that this is outside of the 500' corridor and  
will provide my legal reasoning below.

9 **6. From the Sonoita Substation I support the rest of the proposed alignments with the following**  
10 **caveats.**

11 A. All ROW's need to be evaluated to see if reduction is possible to save costs.

12 B. Underbuild, Underbuild, Underbuild! Smaller, poorer communities deserve a higher level  
13 of advocacy than larger ones. It appears from what I have seen that the old poles will be left  
with distribution on them in place. Any place under-building can be done to clean up the  
visual blight in these communities, it should be done.

14 How the area in the Mesquite Bosque Can Occur Legally:

15 From the Arizona Revised Statutes:

16 Hearings; procedures 40-360.04

17 A. The chairman of the committee shall, within ten days after receiving an application, provide public  
18 notice as to the time and place of a hearing on the application and provide notice by certified mail to  
19 the affected areas of jurisdiction at least twenty days prior to a scheduled hearing. If the committee  
20 subsequently proposes to condition the certificate on the use of a site other than the site or alternative  
21 sites generally described in the notice and considered at the hearing, a further hearing shall be held  
22 thereon after public notice. The hearing or hearings shall be held not less than thirty days nor more  
than sixty days after the date notice is first given and shall be held in the general area within which the  
proposed plant or transmission line is to be located or at the state capitol at Phoenix as determined by  
the chairman, at his discretion.

23 D. The committee shall review and consider the transcript of the public hearing or hearings and shall  
24 by a decision of a majority of the members issue or deny a certificate of environmental compatibility  
25 within **one hundred eighty days** after the application has been filed with or referred to the committee.

26  
27 This is where I might be wrong, but it is all I could find after much research (see A.R.S. below), BUT  
28 even given the amount of time if it was based on Calendar days, there is still enough time to re-notice  
and follow all of the rules and still issue or deny the certificate. It is in the interest of the Public and  
the Environment to get this thing right.



1 <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/1/00243.htm&Title=1&DocType=ARS1-243>.

2  
3 1-243

4 Computation of time

5 A. Except as provided in subsection B, the time in which an act is required to be done shall be  
6 computed by excluding the first day and including the last day, unless the last day is a holiday, and  
7 then it is also excluded.

8 B. In cases in which notice of a decision by the state, any agency thereof or any political subdivision  
9 must be given to a petitioner and in which the petitioner must file a notice of appeal of such decision  
10 within a time certain of less than ten days, such time shall be computed starting with the day after the  
11 day during which the notice of decision is received by the petitioner by personal service or registered  
12 or certified mail.

13 40-360.21. Definitions

14 23. "Working day" means every day excluding Saturday of each week, the fourth Friday in November,  
15 Sunday of each week and other legal holidays as prescribed in section 1-301.

16  
17 Thank you for your consideration and I look forward to my direct examination. These options may be  
18 based on percentages if there is other information that comes forward at the hearing.

19  
20 *(There are two corrections on this email version from what was mailed to Docket Control. The*  
21 *directions heading in and out of the Canez substation page 2 line 28 & page 3 line 1 . This will be*  
22 *noted at the hearing.)*  
23  
24  
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